

Welcome to the Texas Accessibility Academy

If you plan to take the RAS exam, **DO NOT WRITE IN THE MANUAL** – not even your name!

Here's why:


Reference materials may be highlighted, underlined, and / or indexed (permanent tabs), prior to the exam session.

HOWEVER.....

- References or notes may not be written in the manual.
- No post-it notes, temporary tabs, or loose materials such as Tech-Memos, RAS Bulletins, etc.

More information about the RAS exam will be discussed later in this presentation.

Note: If you write in your TAS manual, you will need to order a new one for the test. The available manuals are \$15 for a double-sided copy or \$47.50 for a bound and tabbed version. Remember, the RAS EXAM is "Open Book", so you definitely want a CLEAN TAS manual.
(For a TAS manual order form, please see the instructor)



TEXAS ACCESSIBILITY ACADEMY

Texas Department of Licensing and Regulation



Architectural Barriers Program

TDLR Compliance Division

Robert L. Posey - AB Program Manager
Norman Kieke - Program Specialist, Team Lead
Mike Fleharty - Program Specialist
Crisi Cooper - Program Specialist



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ACCESSIBILITY
ACADEMY



Architectural
Barriers Program



**General
Information**




Texas Accessibility Academy

BPI Course # 2819AP and 3819AP
TDLR Course # 17324

House Keeping



Location of:
Restrooms
Vending Machines
Cantina

Breaks: As Needed

Lunch: 12:00 – 1:00

Room Temperature

Cell Phones

- Austin: Hands-free

Learning Objectives



- Identify key provisions of the Architectural Barriers Act, Texas Government Code 469 & Administrative Rules, Ch. 68, 16 Texas Administrative Code.
- Review key requirements of the 2012 Texas Accessibility Standards (TAS).



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ABOUT TDLR



The Umbrella Agency

The Texas Department of Licensing and Regulation (TDLR) is the umbrella licensing agency that currently oversees over 25 businesses, trades, industries, and occupations.



Programs

Air Conditioning and Refrigeration	For Profit Legal Services	Temporary Common Worker Providers
Architectural Barriers	Industrialized Housing and Buildings	Tow Trucks, Operators and Vehicle Storage Facilities
Auctioneers	Licensed Breeders	Used Auto Parts Recyclers
Barbering	Licensed Court Interpreters	Vehicle Protection Product Warrantors
Boiler Safety	Polygraph Examiners	Water Well Drillers and Pump Installers
Combative Sports	Professional Employer Organizations	Weather Modification
Cosmetologists	Property Tax Consultants	
Driver Education & Safety	Property Tax Professionals	
Electricians	Service Contract Providers	
Elevator / Escalator Safety		



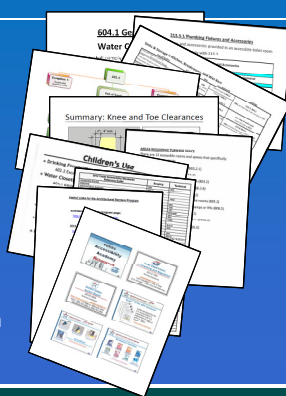
Texas Department of Licensing and Regulation 2012 TAS

Technical Assistance
TechInfo@TDLR.Texas.gov

1-877-278-0999 (Toll Free in Texas)
512-539-5669 Ph 512-539-5690 Fax

Academy – Handouts

- Resources
- Links
- Expanded Index
- Children's Use
- Turning Spaces
- Knee & Toe Clearance
- TAS 202.4
- Sinks & Storage
- Plumbing Fixtures
- Water Closets
- Technical Memorandum
- RAS Bulletins



TDLR's Primary Responsibilities

- Issuing licenses
- Investigating complaints
- Establishing rules and standards
- Conducting plan reviews and inspections
- Enforcing statute and rule requirements



The Architectural Barriers Program is part of the TDLR Compliance Division.

68.10 AB Program Terminology

"Act" - Texas Government Code, Chapter 469, Elimination of Architectural Barriers (Texas Architectural Barriers Act).

In the manual @ Chapter 469 tab (in the back)

"Rules" - Title 16, Texas Administrative Code, Chapter 68, TDLR administrative rules set out because of the Act.

In the manual @ Chapter 68 tab (in the back)

"TAS" - The 2012 **Texas Accessibility Standards** adopted by the Commission, effective March 15, 2012

In the manual @ Chapters 1-10 + Index

Tech Memos

Rule 68.100

- (b) The Texas Commission of Licensing and Regulation may publish Technical Memoranda to provide clarification of technical matters relating to the Texas Accessibility Standards, if such memoranda have been reviewed by the Elimination of Architectural Barriers Advisory Committee.

Tech Memos are part of the Handouts.

They are also online: tdlr.texas.gov/ab/techmemos

Architectural Barriers Program Organization

Audit/Oversight

- Technical Assistance
- RAS Audits, Procedures
- Enforcement Referrals



Architectural Barriers Program

Communication and Education


- Presentations and Seminars
- Educational Materials
- Technical Assistance, Technical Memoranda and Bulletins



Architectural Barriers Program

Administrative Support

- Inspection Notices
- Project Status Updates
- Project File Transfers



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AB Advisory Committee



469.051 Administration & Enforcement

(a) The commission shall administer and enforce this chapter. The appropriate state rehabilitation agencies and the Governor's Committee on People with Disabilities shall assist the commission in the **administration and enforcement** of this chapter.

469.052 Administration & Enforcement

(a) The commission shall adopt standards, specifications, and other rules under this chapter that are **consistent with standards, specifications, and other rules adopted under federal law.**

469.053 Advisory Committee

- (a) The presiding officer of the commission, with the commission's approval, shall appoint an advisory committee for the architectural barriers program.

The committee shall consist of building professionals and persons with disabilities who are familiar with architectural barrier problems and solutions.

469.053 Advisory Committee

The committee shall consist of at least eight members.

A majority of the members of the committee must be persons with disabilities.



Advisory Committee

Rule 68.65
Advisory Committee

- a. The Elimination of Architectural Barriers Advisory Committee shall review **rules** relating to the Elimination of Architectural Barriers program and recommend changes to the Commission.

Advisory Committee

Rule 68.65

Advisory Committee

- b. The Elimination of Architectural Barriers Advisory Committee may review **Technical Memoranda** relating to the Elimination of Architectural Barriers program and recommend changes.

469.054 Fees

- (a) The commission shall adopt fees in accordance with Section 51.202, Occupations Code, for performing the commission's functions under this chapter.
- (b) The owner of a building or facility is responsible for paying a fee charged by the commission for performing a function under this chapter related to the building or facility.

469.054 Fees in General

- (c) The commission may charge a fee for:
- (1) the review of the plans or specifications of a building or facility;
 - (2) the inspection of a building or facility; and
 - (3) the processing of an application for a variance from accessibility standards for a building or facility.

469.058 Administrative Penalty

(a) The commission may impose an administrative penalty under Subchapter F, Chapter 51, Occupations Code, on a building owner for a violation of this chapter or a rule adopted under this chapter.

(b) Each day that a violation is not corrected is a separate violation.

469.059 Complaints

(a) The department shall continue to monitor a complaint made under Section 51.252, Occupations Code, that alleges that a building or facility is not in compliance with the standards and specifications adopted by the commission under this chapter until the department determines that:

- (1) the building or facility has been brought into compliance; or
- (2) the building or facility is not required to be brought into compliance because of a rule or statute, including Section 469.151.

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RAS
Certification
(General)



Rule 68.90**Administrative Sanctions and Penalties**

- (b) It is a violation of the Act for a person to perform a plan review or inspection function of the department, unless that person is a department employee, a registered accessibility specialist, or a contract provider.



Rule 68.90**Administrative Sanctions and Penalties**

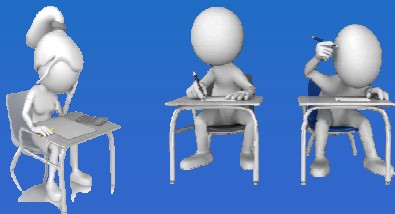
- (b) A person who is not a department employee, registered accessibility specialist or contract provider and performs a plan review or inspection function of the department is subject to administrative penalties in accordance with the Act or Texas Occupations Code, Chapter 51 and Title 16, Texas Administrative Code, Chapter 60.

RAS Application Process and Exam



The RAS exam is not administered by TDLR.

Attending the Academy is no longer a requirement for becoming a RAS.



469.203(a) Application Submittal

Step 1

You must have an **approved RAS application** in order to take the RAS exam. An application must include:



- Application form
- \$300 application fee
- Resume or summary of experience/education

www.tdlr.texas.gov/ab/abforms.htm

Qualifications for Certification

The documents submitted with the RAS application must demonstrate that the minimum qualifications for RAS certification have been met.

Rule 68.70

CIRCLE THE OPTION THAT APPLIES

10. Please circle the one option that specifies how you satisfy the requirements for a Registered Accessibility Specialist.

OPTION 1	Degree (architecture, engineering, interior design, landscape architecture, or equivalent)	AND	One Year Experience related to building planning, accessibility design, or review or equivalent
OPTION 2	Eight Years Experience related to building planning, accessibility design, or review or equivalent		
OPTION 3	Certification as accessibility specialist granted by a Model Building Code Organization	AND	Four Years Experience related to building planning, accessibility design, or review or equivalent

ICC

Accessibility Inspector/Plans Examiner

The International Code Council (ICC) is considered to be a model building code organization with an **Accessibility Inspector/ Plans Examiner** certification.

Information about the certification is provided on the ICC website:



People Helping People Build a Safer World™


www.iccsafe.org

Rule 68.70

RAS – Qualifications for Certification

Any questions about whether or not your education or experience is acceptable can be discussed with the TDLR Licensing Division at:

512-463-6599



Eligibility Postcard

Step 2

When a RAS application is **approved** by the TDLR Licensing Division, an eligibility postcard is issued.

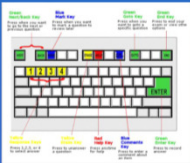
The postcard contains instructions for **scheduling the RAS exam** with PSI.

www.corporate.psionline.com/candidate-exams

RAS Exam - PSI

60 Questions

5: Act -Texas Government Code, Chapter 469
5: Rules - Title 16, Texas Administrative Code, Chapter 68
50: 2012 Texas Accessibility Standards

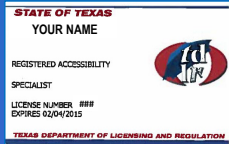


- Minimum passing score: 70%
- 2 hours are allowed.
- Open book exam.

Rule 68.70(c) and 469.205(a) Certification

Each applicant who satisfies all requirements (*and passes the exam*) will be provided a wallet card and a wall certificate.

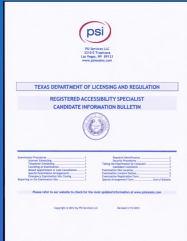
The wallet card is the actual certificate of registration.



RAS Candidate Bulletin

TDLR Website

Additional information about the RAS exam and PSI is provided in the RAS Candidate Information Bulletin which is available on the TDLR website.



www.tdlr.texas.gov/rasexam.htm
PSI Services: 800-367-1565, www.psonline.com

REMINDER

The RAS exam is an open book test, but books that have been written in are not allowed.


According to the PSI, reference materials may be:

- Highlighted
- Underlined
- Indexed with permanent tabs

But no post-it notes, temporary tabs, or loose materials like RAS Bulletins or Technical Memos are allowed.

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Passed the RAS Exam?

Now What?



68.76

Standards of Conduct for the RAS



(a) *Competency*

It is the obligation of the registered accessibility specialist to exercise *reasonable judgment and skill* in the performance of plan reviews, inspections, and related activities

68.76**Standards of Conduct for the RAS**

(a) **Competency.** The registered accessibility specialist shall be knowledgeable of and adhere to:

- The Act
- The Rules
- The TAS
- Technical Memoranda published by the department
- All procedures established by the department

**Registration Renewal
and Continuing Education**

- After a person becomes certified as a RAS, yearly **continuing education** requirements must be met in order to renew the RAS registration.
- **8 continuing education** hours are required and 4 of the 8 hours must be from courses approved by TDLR.



Chapter 68 - Administrative Rules

The rules applicable to the renewal of a RAS registration and the continuing education requirements include the following.

- **68.73** Registration Requirements – Renewal
- **68.74** Continuing Education

TDLR Approved CEU Courses

The list of courses approved by TDLR for RAS CEU credit are available on the TDLR website:

<https://www.tdlr.texas.gov/ContinuingEducation/ContinuingEducationProvider>



Texas Department of
Licensing and Regulation

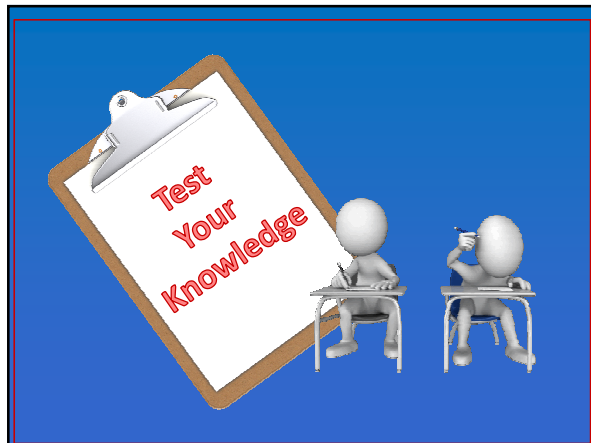
P.O. Box 12157 Austin, Texas 78711
800-803-9202 / TDD: 800-735-2989

**All Continuing Education Providers
for Registered Accessibility Specialists**

[Continuing Education Courses Look Up](#) [Registered Accessibility Specialist Licensing](#)

Offers Internet Courses Offers Classroom Courses

Provider Name (click link to check course details)	Provider #	City	State	Expiration Date
BUILDING PROFESSIONAL INSTITUTE	1018	ARLINGTON	TX	12/14/2016
EPA/TRADE	1521	AUSTIN	TX	8/7/2016
EXCLUSIVE CE	1714	AUSTIN	TX	4/9/2016
ITDL&B	1497	AUSTIN	TX	12/31/12020
MIS/ACADEMY CONTINUING EDUCATION	1625	GARLAND	TX	3/11/2017
KRISTI J VALDES	1512	McKINNEY	TX	9/13/2016
KSA ACCESSIBILITY SERVICES LLC	1706	PARADISE	TX	3/25/2016
MISTA COLLEGE	1990	RICHARDSON	TX	10/24/2016
REDIRECTORCOM INC	1041	TAMPA	FL	10/16/2016




True or False?

1. After attending this class, I can start reviewing and inspecting projects...
2. As long as I sign the final reports, my staff can perform the plan reviews...




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Chapter 469



Chapter 469.001

Scope of Chapter; **Public Policy**

(a) The intent of this chapter (*law*) is to ensure that each building and facility subject to this chapter is **accessible to** and **functional for** persons with disabilities without causing the loss of function, space, or facilities.



The symbol of accessibility leads people to believe that accessibility laws and standards only relate to persons with **mobility impairments**.

People With Disabilities: A Texas Profile
Texas Workforce Investment Council
June 2016 Update

Table 9: Number of Individuals in Texas Reporting Each Type of Disability, 2014

Disability	Number	Percent
Ambulatory difficulty	1,610,838	51.9%
Cognitive difficulty	1,144,453	36.9%
Independent living difficulty	1,042,009	33.6%
Hearing difficulty	895,108	28.9%
Self-care difficulty	612,927	19.8%
Vision difficulty	662,002	21.3%
Total with a disability	3,101,039	

Table notes: 2014 ACS microdata. Reported disability categories are not mutually exclusive and one individual could report having several disabilities. Percentages represent the portion of the population of individuals with disabilities reporting each difficulty.

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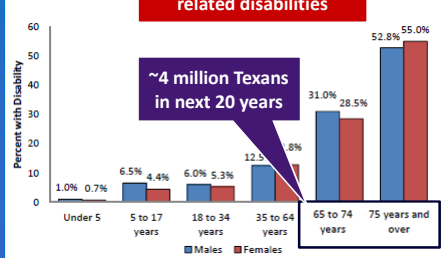
Table notes: 2014 ACS microdata. Reported disability categories are not mutually exclusive and one individual could report having several disabilities. Percentages represent the portion of the population of individuals with disabilities reporting each difficulty.

350,000
Texas Veterans
(96% of disabilities are
service connected)


3.1
million
Texans

People With Disabilities: A Texas Profile
Texas Workforce Investment Council
June 2016 Update



Figure 8: Percent of Individuals with Disabilities in Texas, 2014



Differences between TAS and ADA

 TAS Construction Law Applies to: <ul style="list-style-type: none"> • New construction • Renovations • Alterations 	 ADA Civil Rights Law Public entities are required to <u>accessibly operate</u> entire services, programs, or activities.
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Differences between TAS and ADA

 TAS Proactive <ul style="list-style-type: none"> • Requires project registration, review, and inspection • Responds to complaints 	 ADA Reactive <ul style="list-style-type: none"> • Enforcement is driven by consumer and industry complaints and lawsuits.
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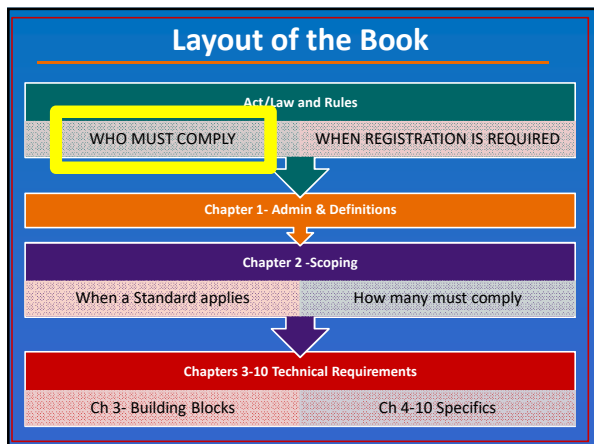
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Applicability of (TAS) Standards





Subject to the Chapter

In order for the requirements to apply, the **type/use** of the building must be subject to the law, as identified in Chapter 469.003 or 68.20.

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68.20 (a) Public Facilities



68.20 (a)Public Buildings & Facilities

469.003(a)(1) Applicability of Standards

The Standards apply to:

A building or facility, or portion of a building or facility designed, constructed, or altered **on or after January 1, 1970**

By, on behalf of, or for the use of: a **public entity** (state/local gov't or their depts., etc.) or the public

Using public funds (funds from a state or county, municipality, instrument or political subdivision of the state)

Applicability of Standards

The Standards adopted under this chapter apply to:

A building or facility constructed in this state or leased or rented for use by the state **using federal money** (to the extent that there is no conflict with federal law) per **469.003(b)**

A building or facility described by this subsection or Subsection (b) that is constructed on a **temporary or emergency basis** per **469.003(b)(2)**

In Summary

Public buildings and facilities are those that are constructed or renovated with **public funds**.





Texas Governor's Mansion



County Courthouse



City Council Meeting Room

Public buildings and facilities are
subject to the Act.

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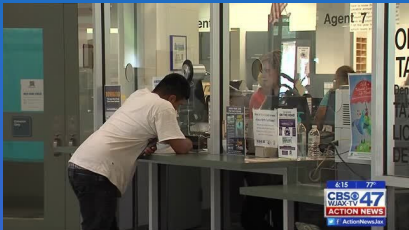


State Leases



68.20 (c) State Leases

State leases are the only entity in which compliance with TAS is required even if there is no construction.



Rule 68.101 State Leases

(a) State leased buildings or facilities with an annual lease expense in excess of \$12,000 **shall be registered** with the department by completing a **State Lease Registration** form and submitting it along with the applicable fee(s).

This requirement applies to both initial lease agreements and lease renewals.

469.003(a)(3) & (b) Applicability

The standards adopted under this chapter apply to:

- A building leased for use or occupied, in whole or in part, by the state under a lease or rental agreement entered into on or after **January 1, 1972**
- A building or facility... leased or rented for use by the state using **federal money** (to the extent that there is no conflict with federal law)

Section 469.106

In facilities used to provide **direct services to people with mobility impairments** (including buildings occupied by TX Workforce Commission and TX Health & Human Services Commission):

- Complete compliance is required if occupied or leased by state
- Inspection is required prior to occupancy
- State can cancel lease if building is not brought into compliance

State Lease Reviews/Inspections Registered Accessibility Specialists

RAS are required by the RAS Procedures to notify **TDLR State Lease Coordinator** by phone, fax, or e-mail when the project is a state lease or state lease renewal and obtain **written authorization** from TDLR to proceed prior to performing a plan review or inspection.



Ginna Harris

State Lease Coordinator
512-539-5677

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68.20 (d)

Private Buildings and Facilities



68.20(d) Public Accommodations

Private Funds



Buildings and Facilities
that are subject to compliance

469.003(a) Applicability of Standards

The standards adopted under this chapter apply to:

4) a privately funded building or facility that is defined as a "public accommodation" by Section 301, Americans with Disabilities Act of 1990 (42 U.S.C. Section 12181), and its subsequent amendments, and that is constructed, renovated, or modified on or after **January 1, 1992**; and

Rule 68.20 (d) Buildings and Facilities

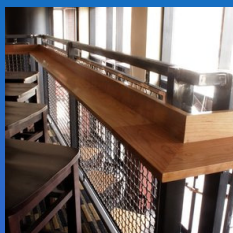
(1) an inn, hotel, motel, or other place of lodging except for:

- an establishment located within a building that contains not more than five rooms for rent or hire and
- that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

Rule 68.20 (d) Buildings and Facilities

(2) a restaurant, bar, or other establishment serving food or drinks;

(3) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;



Rule 68.20 (d) Buildings and Facilities

(4) an auditorium, convention center, lecture hall, or other place of public gathering

(5) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;



Rule 68.20 (d) Buildings and Facilities

(6) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;



Rule 68.20 (d) Buildings and Facilities

(7) a terminal, depot, or other station used for specified public transportation;



(8) a park, zoo, amusement park, or other place of recreation;

(9) a museum, library, gallery, or other place of public display or collection;



Rule 68.20 (d) Buildings and Facilities


(10) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;




Rule 68.20 (d)
Buildings and Facilities

(11) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, *or other social service center establishment;* and

(12) a gymnasium, health spa, bowling alley, golf course, *or other place of exercise or recreation.*



TM 2013-16



TM 2013-16 was issued on June 1, 2013 to clarify 68.30(4) and Residential Amenity Centers.

Examples: Public Accommodations



Examples: Public Accommodations



Examples: Public Accommodations



Private School

Commercial Facilities Private Funds



469.003(a) Applicability of Standards

- 5) a privately funded building or facility that is defined as a "**commercial facility**" by Section 301, Americans with Disabilities Act of 1990 (42 U.S.C. Section 12181), and its subsequent amendments, and that is constructed, renovated, or modified on or after **September 1, 1993**

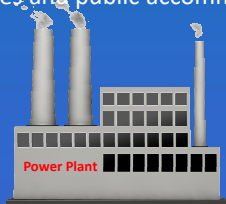
Commercial Facilities Private Funds

Commercial facilities are subject if they are for **non-residential use** and if their operations will **affect commerce**.



Commercial Facilities Private Funds

Commercial facilities typically are **not open to the public** but provide **employment** and a **product or service**. In many cases, they are **both** commercial facilities and public accommodations.



For example, a power plant is a **commercial facility**, however...

...the building where you go to make utility payments is a **public accommodation**.



Another Example

A Walmart store that operates as a sales and service establishment is a **public accommodation**.



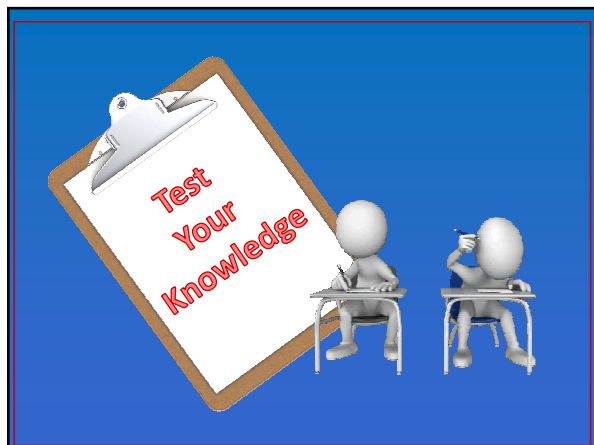
... the Walmart distribution center that is not open to the public is a **commercial facility**.



201.3 Temporary Structures

The requirements apply to buildings and facilities constructed on temporary (7 days or less) or emergency basis. Including, but not limited to:

- Reviewing stands
- Temp. classrooms
- Bleacher areas
- Stages
- Platforms and daises
- Fixed furniture systems
- Wall systems
- Exhibit areas
- Temp. banking facilities
- Temp. health screening facilities



Accessibility Required?

A new office building that is used only by employees.



Accessibility Required?

A group of food trucks come to the same location every weekday.



Accessibility Required?

A group of food trucks at a food court...



Accessibility Required?

A portable office building is being stored on-site until it is permanently located. What's required?



Accessibility Required?

A small apartment building has 12 units, one of which is used as a leasing office. New owners are doing a property-wide remodel.



Your Take On It

"We just moved into an older apartment complex. My wife is in a wheelchair and we need handicapped parking and there isn't any nearby!"

ADA Information Line
1-800-514-0301 (voice) or 1-800-514-0383.

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Exceptions & Exemptions



Exceptions and Exemptions

As noted in 201.1, TAS applies to all areas of a facility unless exempted, or where scoping limits the number of multiple elements required to be accessible.

- Exceptions are identified in **TAS 203** and in other sections of TAS
- Exemptions are identified in **Rule 68.30** and in **469.003**



Exemptions

Rule 68.30

1. Federal Property
2. Places Used Primarily for Religious Rituals
3. Van Accessible Parking at Garages
Constructed Prior to April 1994
4. Residential Facilities (Private)

Law 469.003

- (c) Areas of religious ritual
- (d) The nonresidential portion of a residential building

Exemption 68.30(4)

DOES NOT apply to:

- Crew quarters: Emergency Response Personnel
- Social Service Establishments
- Graduate Student/ Faculty Housing

...because compliance with the residential requirements of 233 and 809 is required by TAS.

Exemptions



203 General Exceptions

- 203.2 Construction Sites
- 203.3 Raised Areas (for security, life/fire safety)
- 203.4 Limited Access Spaces
- 203.5 Machinery Spaces
- 203.6 Single Occupant Structures
- 203.7 Detention & Correctional Facilities



203 General Exceptions (cont.)

- 203.8 Residential Facilities
- 203.9 Employee Work Areas
- 203.10 Raised Referee, Judging & Scoring Areas
- 203.11 Water Slides
- 203.12 Animal Containment
- 203.13 Raised Boxing or Wrestling Rings
- 203.14 Raised Diving Boards & Platforms



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Variances



68.31 Variances

Requests to waive or modify an accessibility standard must :

- Be submitted on a Variance Application form by the owner
- Use a separate application for each condition
- Include plans and supporting docs

Results are based only on the information and docs provided with the application, and are given to the owner/applicant in writing.

A request for a variance, waiver, or modification of a specific Standard must provide proof of one or more of the following conditions as grounds for the request:

TAS 103- Equivalent Facilitation

“Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.”

Example - 103 “Equivalent Facilitation”

A request to allow a portion of a trail to comply with the Outdoor Developed Areas Guidelines can be considered as Equivalent Facilitation through a variance.



The request must reference the specific section(s) of the proposed alternative standard and its applicable location.

Example

TDLR could waive compliance with the water closet location requirements of 604.2 for a toilet room serving bariatric patients if another code (like Title 25 Hospital Licensing Rules) requires more space around the toilet.



106.5.66 Structural Impracticability

“...Full compliance will be considered **structurally impracticable** only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features...”

106.5.66 “Structurally Impracticable”



106.5.25 "Disproportionality"

Submit detailed and verifiable cost estimates and documentation demonstrating that 20% of the cost has already been, or will be, expended toward bringing Path of Travel elements into compliance with TAS.

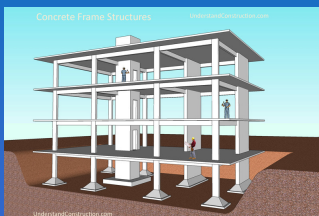
Path of Travel elements:

- (i) accessible entrance and an accessible route to the altered area
- (ii) Costs associated with making restrooms accessible
- (iii) Costs associated with providing accessible telephones
- (iv) Costs associated with relocating an inaccessible drinking fountain.

106.5.68 "Technically Infeasible"

Something that has little likelihood of being accomplished because:

Existing structural conditions would require removing or altering a **load-bearing member** that is an **essential** part of the structural frame...





...or because other **existing physical or site constraints** prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

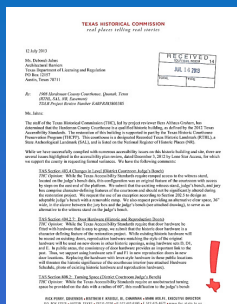
106.5.37 "Maximum Extent Feasible"

Applies where the nature of an existing facility makes it **virtually impossible** to comply through a planned alteration.

In these circumstances, the alteration must provide the maximum physical accessibility feasible.



202.5 Exception "Historic"



Letter of determination from the **Texas Historic Commission** stating that compliance with a particular section of TAS will **threaten or destroy** the buildings historic significance is **required**.

469.152 Waiver/Mod Not Permitted

The commission **may not** waive or modify accessibility standards if:

- (1) the waiver or modification would **significantly impair the acquisition of goods and services** by persons with disabilities or **substantially reduce the potential for employment** of persons with disabilities;

469.152 Waiver/Mod Not Permitted

The commission may not waive or modify accessibility standards if:

- 2) the commission knows that the waiver or modification would result in a **violation of the Americans with Disabilities Act** of 1990 (42 U.S.C. Section 12101 et seq.) and its subsequent amendments;
- 3) the **proof** presented to the commission under Section 469.151(a)(2) is **not adequate**.

68.31 Variances

A denial of a **Variance** may be appealed to the Director of Compliance within thirty calendar days (in writing).

A denial of a **Variance Appeal** may be appealed to the TDLR Executive Director.

Creative Variance Requests



Showers are used only for storage?

Ramp is an assembly area?



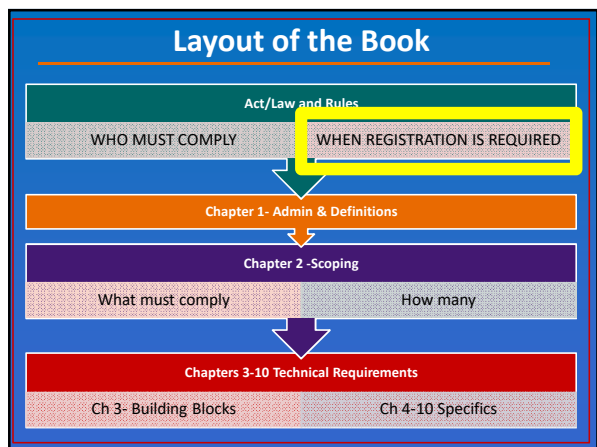
TEXAS
ACCESSIBILITY
ACADEMY

Architectural
Barriers Program



Registration





"Compliance begins with Dollar One."

-Robert Posey
Program Manager
Architectural Barriers Program
TDLR Compliance Division

469.101 Submit Plans for Review

Plans must be submitted to a RAS for review when:

- (1) The building or facility is subject to this chapter; and
- (2) The **Estimated Construction Cost** is at least \$50,000

Rule 68.10 (13) Estimated Construction Cost

Estimated cost of construction ... Includes all costs for construction of a project except site acquisition, architectural, engineering and consulting fees, furniture, and equipment unless the equipment is part of the mechanical, electrical, or plumbing systems.

**Registered Accessibility Specialist set and collect their own fees (Rule 68.75(a)).*



Estimated Cost of Construction

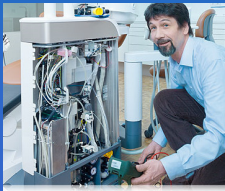
...**NOT** including:

- Site acquisition
- Architectural, engineering or consulting fees
- Furnishings
- Equipment that is not part of the building mechanical systems

Example: Estimated Construction Cost



The costs for the dental equipment is not included...



...the costs for the electrical and plumbing work necessary to operate the equipment must be included.

TEXAS
ACCESSIBILITY
ACADEMY

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Barriers Program



**Procedure for
Submitting
Plans and
Specifications**



**Procedure for Submitting
Plans and Specifications**

There are different procedures and requirements for submitting plans and specifications for each of the following:

- Design Professionals
- Owners
- Building Officials

469.102(a)(b) and 68.50(b)**Submission of Construction Documents**

An architect, interior designer, landscape architect, or engineer with **overall responsibility** for the design of a building or facility must mail, ship, or hand-deliver the construction documents to the reviewer...

Within **20 days** of the plans/docs being Issued.



469.102(c) and 68.50(c)**Submission of Construction Documents**

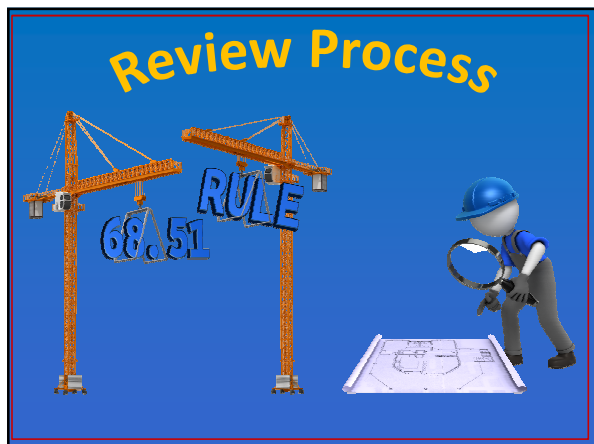
If there isn't a design professional, the **Owner**, or their **designated agent**, must submit the plans for review before applying for a permit.

"Owner"- Any entity that holds title to the subject building or facility.

"Designated Agent"- An individual designated in writing by the owner to act on the owner's behalf.

469.102(d)**Procedure for Submitting Plans & Specifications**

A **public official** of a political subdivision who is legally authorized to issue building construction permits may not accept an application for a building construction permit for a building or facility subject to Section 469.101 unless the official verifies that the building or facility has been registered with the department as provided by rule.



Rule 68.51

Review of Construction Documents


(a) After review, the owner and the person making the submission will be advised in writing of the plan review findings.

(b) Construction documents received by... a registered accessibility specialist... shall become the property of the department.

469.103

Modification of Plans and Specifications

Plans and specifications to which any substantial modification is made shall be resubmitted to a RAS for review and comment.



469.104

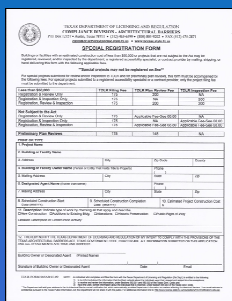
Failure to Submit Plans

The commission shall report to the Texas Board of Architectural Examiners, the Texas Board of Professional Engineers, or another appropriate licensing authority the failure of any architect, interior designer, landscape architect, or engineer to submit or resubmit in a timely manner plans and specifications as required by this subchapter.

Rule 68.54 (a)(b) and 469.107

Projects with an estimated construction cost of **less than \$50,000** (or projects not subject to the Law)...

Can receive a written Plan Review, Project Inspection, and Certification of Compliance if the project is registered with a **Special Registration** form.



The image shows a 'SPECIAL REGISTRATION FORM' from the Texas Department of Licensing and Regulation. It includes fields for project details, a table for project costs, and checkboxes for various services like Plan Review, Project Inspection, and Certification of Compliance. The form is titled 'SPECIAL REGISTRATION FORM' and 'SPECIAL REGISTRATION FORM'.

Inspection Process



Inspection Due

68.52(a)- The owner of a building or facility ... shall obtain an inspection... not later than the **first anniversary** of the **completion of construction**.

469.105(a)(3)- The owner of a building or facility ... is responsible for having the building or facility inspected...not later than the **first anniversary** of the date the **construction ...is completed**.

Inspectors

The inspection must be performed by a person who holds a certificate of registration...

469.105 (b)(3) and 469 201 (a)*

*(b) Does not apply to an employee of:

- 1) the department; or
- 2) an entity with which the commission contracts under Section 469.055.

Rule 68.52 Inspections

(b) The **owner** shall be advised in writing of the results of each inspection.



Rule 68.53

Corrective Modifications Following Inspection

(a) When corrective modifications are required to achieve compliance... a registered accessibility specialist... shall:

(1) provide the owner a **list of deficiencies** and a **deadline** for completing modifications;

Rule 68.60


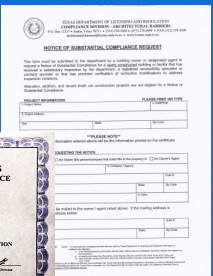
Notice of Substantial Compliance

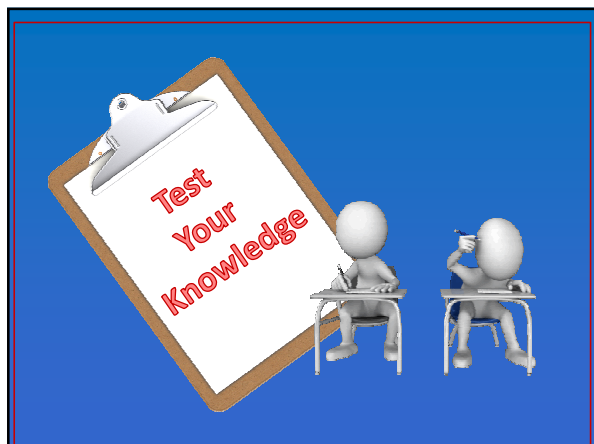
After a **newly constructed** building or facility has had a satisfactory inspection or verification of corrective modifications has been submitted the Department will provide a Notice of Substantial Compliance to the owner...

Rule 68.60

Notice of Substantial Compliance

...when the owner requests it by submitting a **Notice of Substantial Compliance Request Form**



Example: Estimated Construction Cost

The costs for a TXDOT project is \$1.5 million.

Scenario A:

The pedestrian elements (crosswalks, ramps, ped. buttons) total \$25k.

Scenario B:

The pedestrian elements (crosswalks, ramps, ped. buttons) total \$150k?



Next: SECTION 2

Definitions Building Blocks

[Go to Section 3](#)
